

Call to Order:

The meeting was called to order at 7:15 p.m. Present were Chair Joan Duff, members Vincent Chiozzi, Jay Doherty, Eric Macaux, Zach Bergeron and associate member Ann Knowles; also present were Paul Materazzo, Director of Planning, Lisa Schwarz, Senior Planner and Jacki Byerley, Planner.

15 Stevens Street – Atria Marland Falls Deliberations:

Ms. Duff opened the deliberations on 15 Stevens Street, Atria Marland Falls, a Modification of a Special Permit for Planned Development Multi-Family and a Modification of Site Plan Review. Ms. Byerley reviewed the project for the Board which is the renovation of Mill Building No. 3. There are currently 129 beds in Mill Buildings 1 and 2, and this project would add an additional 13 units. The applicant has asked for a waiver to the required square footage percentage and a waiver to the parking space requirements. The use would require them to provide 7 more spaces, but they feel that their current parking and their use of the Post Office and Shawsheen Plaza as satellite lots during events provides sufficient parking. The Historic Preservation Commission has approved all of the plans. If this project does not go forward, the building will be torn down.

Mr. Chiozzi asked if the draft conditions would be added to the original conditions. Ms. Byerley stated that the proposed conditions will supersede the 1996 decision, and she has included some of the original conditions in her proposed conditions. Ms. Knowles asked how Conservation's decision on this project would affect the Planning decision. Ms. Byerley explained that Condition No. 4 states that the applicant would have to come back to the Board with any changes made to the plan.

Mr. Doherty asked if the basement flood storage is safe. Ms. Byerley stated that it is safe because nothing will be located in the basement. They will also have sump pumps, louvers and air circulation to deal with mold.

On a motion by Mr. Bergeron seconded by Mr. Doherty the Board moved to find that the modifications have met the standards of Sections 7.2 and 9.5 and further approve the modifications with conditions as listed which will supersede the approvals of SP96-14 and SP96-15. **Vote:** Unanimous (5-0).

The Park – Master Plan Scope of Work:

The Planning Board, staff and the audience participated in a design charrette for The Park, Playstead and Municipal campus. Each person in the audience was given a number and Ms. Schwarz instructed them to sit at the table with their designated number. A representative from the Planning Board sat at each table. Ms. Schwarz explained that the purpose of the design charrette was to discuss and communicate ideas to improve the Park, Playstead and Municipal Building area. Each table was provided a map of the area with trace paper and they were instructed to have a discussion about the area and what improvements could be made and then use the provided markers to draw their ideal on the trace paper. At the end of 30 minutes a representative from each table would present their findings, ideas and thoughts.

Mark Yanowitz of 20 Wild Rose Drive presented his table's ideas. He noted that parking in the area can be tight during business hours and events on the weekends, and the consensus of their

The Park – Master Plan Scope of Work (cont'd):

group included a recommendation that the police could be more lax during events, more Elm trees to be planted the bandstand to be improved, enlarged and made more functional. They discussed a play area in the park for younger children and a playground in the larger field that could accommodate an older population. The group encourages, more landscaping and more seating options are well as interactive sculptures or some sort of visual element to aesthetically improve the Park. They would like to improve or add sidewalks around the perimeter of the campus for better pedestrian safety that could also serve as a meandering walking path or track. They suggested that the field design be studied to better accommodate all of the different youth sports. If the fields are improved, they may be able to fit a basketball court in to that area. The addition of public restrooms and a concession stand would complement all of the sports and activities held in the area.

Willow Cheeley of 15 Burnham Road presented her table's ideas. She stated that her group had a lot of the same ideas as the previous table, especially with regards to connectivity and parking. They felt that it is often inconvenient and sometimes dangerous driving in to the Town Offices. They want to make sure that sensitivity to the memorials in the Park is maintained, and that if any changes are made to the Park that the significance of those memorials is kept in mind. One suggestion is that a handicap accessible trail be made to connect the memorials because right now if you are handicapped you cannot physically get to the memorials.

Ken Feyl of 17 Olde Berry Road presented his table's ideas. He pointed out that his table included veterans, a members of Youth Services, a member of the Housing Authority, a member of the Planning Board and a mother of young children. He explained that they wanted to hold reverent that the campus includes two World War I Memorials, so they felt that there should be better signage indicating that. They would like to see a play space in the Playstead area as well as a walkway for the seniors to better access the Senior Center that could be connected to a larger walkway space. They would prefer to keep a separation between the quiet Park and the play area of the Playstead, to understand that their functions are separate, one is active the other passive. Some of the ball fields can be reoriented to promote positive play for all of the different activities to take place at one time, and to keep balls out of the neighboring properties. They would like to see the Bandstand repaired and for more benches to be added to the Bartlet Street side of the Park. The suggested that a sidewalk be added to the Chestnut Street side of the Park and felt that this may keep dogwalkers from passing through the Park.

Susan Stott of 30 Pasho Street presented her table's ideas. She stated that her group talked about the different interests in the Park and the concern for the veterans' memorials. They also talked about how the Park is used for many different purposes including Clown Town and Art in the Park. They were in disagreement on play areas, some felt that the Park should have a small play area for preschool aged children, and others felt that a larger play area behind the Doherty School would be more appropriate where there is more room and flexibility. One idea is to take down the bandstand and put an amphitheater in its place. Some felt it would be nice to move the memorials around this amphitheater while others felt the memorials should stay in place. They are suggesting pathways to the memorials so that people can access them as well as more benches in the Park that can be gift opportunities. There were suggestions for tables for people to be able to sit down to play chess or checkers as well as more native trees and more lighting in

The Park – Master Plan Scope of Work (cont'd):

the area. Some in the group also felt that the Park should be a more inclusive Town Park and not a neighborhood Park.

Ken Feyl added that one thing he forgot to mention that was on his table's list was that the Town should obtain the three houses on Whittier Court.

Don Borenstein of 10 Avon Street presented his table's ideas. For the Park itself, there was acknowledgement that the memorials should be respected. They suggested a gathering area for small groups to meet in the Park with benches that could maybe be enclosed by a wall in one corner of the Park. They would like sidewalks on Chestnut Street and around the perimeter to more closely connect the two spaces of the Park and the Playstead. The field layout in the Playstead should be redesigned to make a more efficient use of that space. Some drainage could be provided so that some of the areas that are wet could be used. He said that suspending financially reality they included artificial turf and lights for the large field. They also showed improvements to the Stowe field to the side of the Doherty School with the potential of a tot lot at the Bartlet Street side of that area where the foundation for the former Stowe School is. He said some signage would be helpful to offer direction to the different areas. The Senior Center could use an improvement to the façade. They would also welcome some sort of walking connection or path that allowed connection through the whole campus. His group would also like the bandstand, canon and bridge to stay, but were divided on if a sandbox should be added. Something could maybe be done with the bandstand so that it is better utilized because during the concert series, the bands don't even use the bandstand because it is too high.

Ms. Schwarz informed the audience that she would be collecting all of their maps to use as guidance for the Master Plan. She stated that a follow up meeting will take place in April or May and she would send out an email when she knew the date.

Warrant Articles 2014 Town Meeting:**Medical Marijuana Overlay District:**

Ms. Duff opened the continued public hearing on for the proposed warrant articles to add Section 8.9 (Medical Marijuana Overlay District (MMOD)) and to amend Section 2.2 (Overlay Districts) by adding at the end of Section 2.2, "Medical Marijuana Overlay District" and amend the Town of Andover Zoning Map, to establish a Medical Marijuana Overlay District.

Mr. Materazzo informed the Board that he looked into the Attorney General's requirements and the Police Chief's opinion of Lowell Junction Road. Town Counsel confirmed that the Attorney General focuses on the zoning, not the land area. If the zoning is challenged, the Town must have the ability for such a use to move forward. The Town cannot zone one specific area for this use, knowing that there is no chance that the use could be permitted there. Each of the three districts being put forward could pass the Attorney General's muster. The smallest area off of Dascomb Road is more than 60 acres with multiple buildings and multiple owners. In regards to Lowell Junction Road, Chief Keefe stated in an email that the location is the furthest from the

Medical Marijuana Overlay District (cont'd):

Public Safety facility, so on his list it was the 4th choice. However, the police will be able to appropriately respond to any of the proposed areas. Mr. Materazzo stated that he also spoke with the Town Manager about separating out the locations on to their own maps and tiering them for Town Meeting.

Ms. Duff asked if the Chief was comfortable with Lowell Junction and Mr. Materazzo answered that he was, but it was his 4th choice out of the four originally proposed areas. Mr. Bergeron asked what the Chief's concerns would be with this type of facility. Mr. Materazzo stated that there was no specific concern because the facility will be highly regulated, but if there is an incident, it would have the longest response time. From a strictly response time standpoint, the fastest site to respond to is Dascomb Road. Mr. Bergeron asked what an incident could be. Mr. Macaux stated these facilities may deal with a lot of cash due to some banks being unwilling to work with them. Some banks are trying to work with them without essentially breaking federal law. Mr. Bergeron stated that he looks at this kind of facility like a Pfizer or a CVS. Ms. Duff reminded the Board that all of the facilities will have security requirements. Mr. Materazzo agreed that they have to prove to DPH that they have a controlled facility, and the Town will also make sure that it is appropriately secure. The Board discussed the merits of placing the locations on separate maps and tiering them. They also discussed if locations should be withdrawn if one area passes. Mr. Macaux felt that all areas should be brought forth for Town Meeting vote. Mr. Materazzo informed the Board that he has also drafted a moratorium article if none of the areas pass. Mr. Chiozzi noted that to hold a Special Town Meeting for this would be expensive.

Mr. Bergeron felt that based on the number of people who have come to the public hearings; the Board may be overvaluing the negative opinions. Ms. Knowles disagreed and stated that people may in theory be open to marijuana facilities, but they may not want them to be near them. That is why the Board needs to put forth more than one plausible area, so that if it is voted down in one, it can go to the other. They should include one "safe" location that is far from residential areas. Mr. Chiozzi stated that the Board's first choice should be the first article presented, because he thinks the first area presented will pass and the Town will not pass more than one area. Ms. Duff questioned if it makes more sense to have one warrant article with River Road and Dascomb Road since the Board seems to be leaning towards taking out Lowell Junction Road as an area. Mr. Macaux agreed that both of those areas are large enough that if put together they should satisfy the Attorney General and not be challenged. Mr. Chiozzi felt that if they informed the voters that they were putting forth two areas so that the zoning couldn't be challenged, then it may pass, but he still thinks that the voters will not vote for more than one area.

Mr. Materazzo stated that the Board could move forward with one area now and if they see the Attorney General knocking around other communities, they can add more at subsequent Spring Town Meetings. Ms. Duff offered that it is very important to make it clear at Town Meeting that if they vote down every area; these facilities now can go anywhere medical use is allowed. Mr. Materazzo added that they will be putting forth a moratorium article that if passed will give them until October to come up with a new area for a Special Town Meeting vote. Mr. Macaux stated that if they are down to two areas, if they put both areas on one map, when it comes time to vote it will probably pass based on the complete lack of attention paid to it in Town. With two areas

Medical Marijuana Overlay District (cont'd):

passing, they would be done and would not have to worry about a challenge from the Attorney General. Mr. Chiozzi stated that getting the 2/3rds vote is tough on anything, and they will probably run into someone asking if they can get away with having only one area, and then what is the answer to that question.

Mr. Materazzo offered to get the opinion of the Town Manager on bundling the sites. Mr. Bergeron asked if they are definitely eliminating Doctors Park and Lowell Junction as options. Mr. Doherty stated that in his opinion the Board should put forth two separate areas in case one of them does not pass. The Board discussed and had differing opinions on if they should pull the second area if the first area passes at Town Meeting. The Board also discussed what would happen if the zoning was challenged successfully and Mr. Materazzo stated that the proponent may get their permit.

Ms. Knowles questioned if it would make sense to offer three areas, but bundle two areas together and then have one on its own. She suggested bundling River Road and Dascomb Road together so that the area would be big enough and have it voted on first. She suggested then offering Lowell Junction Road as its own area to be voted on second. If the bundle fails you still have the Lowell Junction area to fall back on which is a large area that is not near many residences. It may be the farthest area for police response, but it is still an area that is likely to be passed. Mr. Bergeron stated he is fine with having three separate areas. The Board discussed Ms. Knowles's idea. They also discussed if they should focus solely on satisfying the law, or giving the voters' what they want even if that means the voters choose to accept all three areas. Mr. Macaux stated that he doesn't have a problem with all three areas passing at Town Meeting. Mr. Chiozzi stated that the voters at Town Meeting are very smart and they will vote for the most logical area if a compelling argument for it is put forth.

Mr. Materazzo asked if it would be helpful for the working group to rank them for the Board. Mr. Bergeron stated that he doesn't think that they need a ranking from the group, but he would like to know how they would present it. Ms. Duff stated that she felt the Board should get the feedback from the Town Manager and then let everything that they have talked about tonight marinate and bring it back to the meeting on April 8th.

On a motion by Mr. Bergeron seconded by Mr. Macaux the Board moved to continue the public hearing on the Medical Marijuana Overlay District to April 8, 2014 at 7:30 p.m.

Vote: Unanimous (6-0).

Adjournment: The meeting was adjourned at 8:56 p.m.